

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

RUSSELL JOSEPH BRETON,

Plaintiff,

vs.

LAKE COUNTY, et al.,

Defendants.

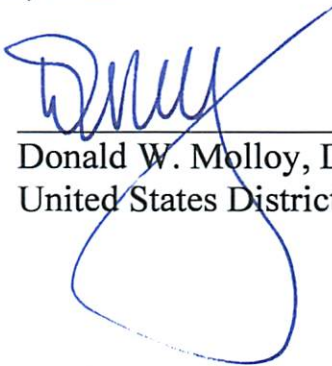
CV 22-142-M-DWM

ORDER

On August 22, 2022, Plaintiff Russell Joseph Breton, an inmate at the Lake County Jail, filed this lawsuit challenging the conditions of confinement at the facility, including an individual 42 U.S.C. § 1982 claim for an assault he suffered at the hands of another inmate. (Doc. 1.) On September 13, 2022, Defendants filed a motion to dismiss for failure to state a claim. (Doc. 4.) Instead of responding to that motion, Breton filed an amended complaint on October 3, 2022. (Doc. 7.) Because Breton's Amended Complaint Supersedes the original complaint, Fed. R. Civ. P. 15(a)(1)(B); *Ramirez v. Cnty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015),

IT IS ORDERED that Defendants' motion to dismiss (Doc. 4) is DENIED as MOOT. Defendants may refile their motion or answer within the 21-days provided by Rule 12. *See* Fed. R. Civ. P. 12(a)(1)(A)(i).

DATED this 4th day of October, 2022.



Donald W. Molloy, District Judge
United States District Court